



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

60 State Street, Wethersfield, CT 06161

<http://ct.gov/dmv>



Testimony of Department of Motor Vehicles

Transportation Committee Public Hearing February 23, 2015

S.B. No. 930 (RAISED) AN ACT CONCERNING THE DEPARTMENT OF MOTOR VEHICLES' RECOMMENDATIONS REGARDING MOTOR VEHICLE INSPECTORS.

Good morning Senator Maynard, Representative Guerrera, Senator Boucher, Representative O'Dea and other members of the Transportation Committee. Thank you for the opportunity to testify in support of bill 930 - AN ACT CONCERNING THE DEPARTMENT OF MOTOR VEHICLES' RECOMMENDATIONS REGARDING MOTOR VEHICLE INSPECTORS.

The Department of Motor Vehicles (DMV) supports this legislation because it provides the necessary statutory protection for DMV Inspectors that is currently afforded to all other officers included within the definition of "peace officer". Current definition of peace officer includes: state police, local police, inspectors in the Division of Criminal Justice, a state marshal, a judicial marshal, a conservation officer or special conservation officer, a constable, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized to make arrests in a correctional institution, any investigator in the investigations unit of the office of the State Treasurer or any special agent of the federal government.

It is important to note that a change in classification in no way increases the DMV Inspectors' arrest authority or expands their jurisdiction beyond what is currently in statute. These Inspectors will continue to be limited to making arrests for violations of any statute or regulation relating to motor vehicles, as specified in section 14-8.

DMV inspectors are certified officers and receive the same basic and review training as municipal officers at the Police Officer Standards and Training Academy (POST). Inspectors carry the same equipment, including firearms, as municipal and state police officers. Our officers are certified by POST as instructors in firearms; defensive tactics; use of force; shooting decisions; arrest and control; baton; OC spray; handcuffing; field training; hazardous materials; radar; motor vehicle law & enforcement; and vehicle stop tactics. DMV Inspectors also receive advanced training in drug interdiction techniques and carry specialized equipment which can detect certain radiological materials.

As you are aware, DMV Inspectors patrol the state's highways and staff the weigh stations. They are authorized to make arrests or issue citations for violations of any statute or regulation relating to motor vehicles. State law also adopts numerous federal motor carrier safety regulations which are enforced by Inspectors. Under state law, Inspectors

are allowed to use physical force in defense of a person and to use physical force to effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense. They are also authorized to use deadly physical force under specific circumstances involving felonies or an attempted felony in which serious physical injury is inflicted or threatened. It is illegal to interfere with or assault a DMV Inspector.

In the course of their workday, DMV Inspectors detain persons wanted by other law enforcement agencies and turn over persons to law enforcement agencies whom they have probable cause to believe committed a crime. Providing the Inspectors this peace officer authority would allow them to take immediate action for any crime observed during the performance of their on-duty activities thereby enhancing public safety.

I have attached a copy of statutes that clearly demonstrate the current conflict and need to have DMV Inspectors included within the definition of Peace Officer.

Thank you again for allowing me to testify in support of this bill.

Sec. 14-164aa. Event data recorders: Knowingly altering or deleting data, or destroying event data recorder after crash event prohibited. subsection (B) reads: "The data is retrieved or obtained by a peace officer, as defined in section 53a-3, pursuant to a search warrant". In 2013 (PA 13-271), DMV Inspectors were added to 54-33a giving them the authority to apply for and execute search warrants).

Sec. 14-296aa. Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators and school bus drivers prohibited or restricted. Subsection (b)(4) lists exceptions to the handheld mobile phone prohibition for certain persons while in the performance of their official duties, and includes: a peace officer, a firefighter, an operator of an ambulance or authorized emergency vehicle or a member of the armed forces of the United States.

Sec. 29-16. Use of information. "All information contained in the files of the State Police Bureau of Identification relative to criminal records and personal history of persons convicted of crime shall be available at all times to all peace officers engaged in the detection of crime....".

Sec. 29-33. Sale, delivery or transfer of pistols and revolvers. (b) On and after October 1, 1995, no person may purchase or receive any pistol or revolver unless such person holds a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, a valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f or is a federal marshal, parole officer or peace officer.

(Note: DMV Inspectors are authorized to carry a firearm under 29-35 (PA 11-213) but can't purchase one unless they have a permit. This is a good example of where DMV Inspectors were pieced into one statute but not another related one where the term peace officer was used).

Sec. 53a-217b. Possession of a weapon on school grounds. (b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in subdivision (9) of section 53a-3, while engaged in the performance of such peace officer's official duties, or (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education.

(Note: DMV Inspectors have statutory and regulatory authority to inspect student transportation vehicles and to enforce statutes related to them, often times on school grounds, even though they are required to carry a firearm while on the job, there is no exception for Inspectors to be able to carry these firearms on school grounds).